

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEITH FORTH et al.,

Plaintiffs,

v

MARY BERGHUIS et al.,

Defendants.

Case No. 1:08-cv-368

HON. JANET T. NEFF

ORDER REGARDING REPORT AND RECOMMENDATION

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendants filed a motion for summary judgment (Dkt 32). The matter was referred to the Magistrate Judge, who issued a Report and Recommendation, recommending that this Court grant Defendants' motion in part and deny it in part. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

IT IS HEREBY ORDERED that the Report and Recommendation (Dkt 53) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment (Dkt 32) is GRANTED IN PART AND DENIED IN PART as follows:

(a) all plaintiff's claims for injunctive relief are dismissed as moot; (b) defendants' motion for judgment on the Eighth Amendment claims brought against them in their individual capacities for damages is denied.

Date: April 25, 2011

/s/ Janet T. Neff
JANET T. NEFF
United States District Judge